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1814
Amendt
8/10 (NE)

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :

FISCHHOFF ET AL. : GROUP ART UNIT: 1814

SERIAL NO. 08/434,105 : EXAMINER: HENDRICKS

FILED: MAY 3, 1995 :

FOR: SYNTHETIC PLANT GENES AND METHOD FOR PREPARATION

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GROUP 1800

THE PARTY FISCHHOFF ET AL.'S
37 CFR 1.637(c)(2)(iii)
AMENDMENT B

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Please amend the above-identified application as follows:

IN THE CLAIMS

Please add the following new claims:

--44. A method of preparing a gene derived from a *Bacillus thuringiensis*, said method comprising the steps of:

- (a) selecting a gene:
 - (i) derived from a *Bacillus thuringiensis*
 - (ii) which encodes an insecticidal protein having an amino acid sequence;
- (b) preparing a gene encoding the same amino acid sequence as the gene selected in step (a) but which has a structural coding region with:

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BOARD OF PATENT APPEALS
AND INTERFERENCES

IN RE APPLICATION OF:

FISCHHOFF ET AL

SERIAL NO.: 08/434,105

FILED: MAY 3, 1995

FOR: SYNTHETIC PLANT GENES AND METHOD FOR PREPARATION

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Sir:

Transmitted herewith is an amendment in the above-identified application.

- No additional fee is required.
- Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been established by a verified statement previously submitted.
- Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been established by a verified statement submitted herewith.

Additional documents filed herewith:

The Fee has been calculated as shown below.

	CLAIMS REMAINING AFTER		HIGHEST NUMBER PREVIOUSLY PAID FOR	NO. EXTRA CLAIMS	RATE	CALCULATIONS
TOTAL	* 9	MINUS	** 20	=	X \$ 22 =	\$
INDEP	* 8	MINUS	*** 6	= 2	X \$ 80 =	\$160.00
	MULTIPLE DEPENDENT CLAIMS				+ \$260 =	\$
						\$160.00
	Reduction by 50% for filing by Small Entity					\$
	Recordation of Assignment				+ \$ 40 =	\$
					TOTAL	\$160.00

 A check in the amount of \$ _____ is attached. Please charge any additional Fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed. If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made 06/18/1997 ERKURTZ UNDER 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of 01 FC:102 160.00 may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Charles L. Gholz
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GROUP ID 1870

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*If the entry in Column 2 is less than the entry in Column 1 write "0" in Column 3.

**If the "Highest Number Previously paid for" IN THIS SPACE is less than 20 write "20" in this space.

***If the "Highest Number Previously paid for" IN THIS SPACE is less than 3 write "3" in this space.
(OSMMN 10/95)